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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: QUOC XUONG LUU,

Quoc Xuong Luu,  
Petitioner/Appellant,

vs.

IMMIGRATION AND NATURALIZATION  
SERVICES (INS), et al.,  
Respondent(s)/Appellee(s),

UNITED STATES OF AMERICA,  
DEPARTMENT OF HOMELAND SECURITY,  
STATE OF CALIFORNIA,  
Real Party in Interest.

CV

08 3350

Case Number:

JSW

Alien No.: A-07-838-(PR)

FBI Warrant No.:  
581212FB6

42 U.S.C. § 1983 Case  
No.: C-07-2704-JSW (PR)

Related Case No.:  
C-02-01980-JF (PR)

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

NAME : QUOC XUONG LUU (In Pro. Per.)  
CDC #: (P-22522)  
Bld.#: (02-125U)  
California State Prison - Solano  
P.O. Box 4000  
Vacaville, California 95696-4000

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NAME : QUOC XUONG LUU  
 CDC #: (P-22522)  
 Bld.#: (02-125U)  
 California State Prison - Solano  
 P.O. Box 4000  
 Vacaville, California 95696-4000

In Propria Persona

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: QUOC XUONG LUU,

Quoc Xuong Luu,  
 Petitioner/Appellant,

vs.

IMMIGRATION AND NATURALIZATION  
 SERVICES (INS), et al.,  
 Respondent/Appellee,

UNITED STATES OF AMERICA,  
 DEPARTMENT OF HOMELAND SECURITY,  
 STATE OF CALIFORNIA,  
Real Party in Interest.

) Case Number:

) Alien No.: A-07-838-996

) FBI Warrant No.:  
 581212FB6

) 42 U.S.C. § 1983 Case No.:  
 C-07-2704-JSW (PR)

) Related Case No.:  
 C-02-01980-JF (PR)

) PETITION FOR WRIT OF  
 HABEAS CORPUS PURSUANT  
 TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner/Appellant, QUOC XUONG LUU, is currently  
 institutionalized or incarcerated at the California State Prison  
 (CSP) - Solano, P.O. Box 4000, Vacaville, California 95696-

1 4000, had numerous times sought judicial court(s) to relief  
2 his claim or merit under Sixth Amendment Constitutional right  
3 that been deprived or violated by Respondent's authorities.  
4 Petitioner had sought numerous remedies to entertain his Sixth  
5 Amendment claim or merit through aforementioned case nos.:  
6 C-02-01980-JF (PR) and C-07-2704-JSW (PR), however, judicial  
7 regime refused, ignored, and even reject the validity  
8 constitutionality did exist to foreign entity whom resident  
9 within the United States [America] Country.

10  
11 Petitioner will demonstrate or showing that  
12 Respondent does not have govern. statutory laws to barricade  
13 him from challenged the validity of Sixth Amendment's  
14 claim and language context. (Citing, U.S.C.A Const. Amend.  
15 6, et seq.) Whether the Sixth Amendment spirit of language  
16 could leverage Petitioner to face Respondent's hold, indictment,  
17 warrant, or detainer allegation[s] alleged him violated the  
18 United States of America's sovereign statutory laws under the  
19 Title 8, of the United States Code ("U.S.C."), Sections 1101  
20 and 1157, et seq, for deportation proceeding. (See, EXHIBIT A.,  
21 e.g.)

22  
23 Petitioner remedies his claim of Sixth Amendment  
24 through 42 U.S.C. § 1983 complaint and other procedures under  
25 28 U.S.C. § 1651, 1291-1292, et seq, statutory provisions.  
26 Without success through judiciary for relief, that left mockery  
27 faith whether the Sixth Amendment does bias foreign entity  
28 the title to exercise Respondent's sovereign laws.

PROCEDURAL BACKGROUND

On April 17, 2002, Petitioner lodged an alleged Cal.Pen.Code § 1389, et seq, "motion" <sup>1/</sup> challenged the Immigration & Naturalization Services ("INS"), to determined whether the "hold, detaining, warrant, or indictment" was validity filed against him. (See, EXHIBIT A.) The United States District Court for the Northern District of California logged or docketed the motion for aforementioned case no.: C-02-01980-JF (PR), which the district court entered an order a transferred the docket (cf., EXHIBIT B., e.g.) to the Eastern District Court on July 31, 2002.

On March 19, 2003, Petitioner sought the Eastern District Court for "requesting for final judgment" the petition or motion. (See, EXHIBIT C.) On April 15, 2003, the United States Magistrate Judge, Gregory H. Hollows entered an "order" that: "It is unclear whether petitioner intended to file this document in this action, in which case it will be disregarded,

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<sup>1/</sup> Citing, Cal.Pen.Code § 1389, clearly held that:

"It is purpose of this agreement to encourage the [expedition] and [orderly] disposition of such charge[] determined of the proper statutes of any all detainers base on untried indictment, hold, or warrants. (West's Ann.Cal.Pen.Code § 1389, art. I.; emphasis added.)

....whenever during the continuance of the term of imprisonment there is pending in any other party [state] any



1 The Supreme Court refused to entertained petitioner's petition  
2 to enforce the Court of Appeal's jurisdiction pursuant to  
3 28 U.S.C. §§ 1291-1292 and 1651, et seq, statutory inquires.  
4 (Quote, Garcia v. Taylor (9th Cir. 1994) 40 F.3d 299,  
5 ("Prisoner aliens have standing to seek mandamus to force INS  
6 to start deportation proceeding"); also see, 28 U.S.C. § 1361,  
7 et seq, ("Action to compel an officer of the United States to  
8 perform his duty"); emphasis added in part.) Therefore, the  
9 United States Supreme Court denied petitioner's petition "without  
10 prejudice" to the claim[].

11  
12 On May 16, 2007, Petitioner then filed an pro  
13 se 42 U.S.C. § 1983 civil complaint alleged that his Sixth  
14 Amendment right were violated, and the Northern District Court  
15 of California docket the case for aforementioned case no.:  
16 **C-07-2704-JSW (PR)**. (See, APPENDIX A., e.g.) Petitioner also  
17 submitted "in forma pauperis" application pursuant to 28 U.S.C.  
18 § 1915, et seq, statutory provision.

19  
20 On October 15, 2007, the honorable Jeffrey S.  
21 White of the United States District Judge imposed an "order  
22 of dismissal with leave to amended and instruction to the clerk"  
23 and "order granting leave to proceed in forma pauperis."  
24 (Referred to the court's record of docket no. 4's order for  
25 aforementioned case no.: C-07-2704-JSW (PR); also compare,  
26 APPENDIX B.) The court has ordered that: "(1) Plaintiff's  
27 complaint is dismissed with leave to amend, (2) Plaintiff is  
28 advised that an amended complaint supersedes the original

1 complaint. (**London v. Coopers & Lybrand**, 644 F.2d 811, 814  
2 (9th Cir. 1981).) Defendants not named in an amended complaint  
3 are no longer defendants, (See, **Ferdik v. Bonzalet**, 963 F.2d  
4 1258, 1262 (9th Cir.), **cert. denied**, 506 U.S. 915 (1992)), and  
5 (3) It is Plaintiff's responsibility to prosecute this  
6 case... Failure to do so may result in the dismissal of this  
7 action under Federal Rule of Civil Procedure 41(b)." (Cf.,  
8 APPENDIX B., e.g.)

9  
10 On November 12, 2007, Petitioner submitted an  
11 "Court Ordered Amended Complaint" from the Court's order docket  
12 no. 4 (cf., APPENDIX B.), which the amended convert his original  
13 complaint. (Also see, APPENDIX C., et seq.)

14  
15 On February 06, 2008, Petitioner had submitted  
16 an "motion for consolidate the cases under similarly status  
17 & litigation of prosecution" with aforementioned case no.:  
18 **SFR0708001141** of his mother indictment by the Immigration Court  
19 of tribunal in San Francisco district. However, the Court of  
20 aforementioned case no.: C-07-2704-JSW (PR) did not render any  
21 decision[] of Petitioner's motion[]. (See, EVIDENCE 3., e.g.)

22  
23 Petitioner did not received any responses from  
24 the Court on previous motions. Petitioner then submitted an  
25 informal letter requested the Court for summary status of the  
26 case, which were on March 11, 2008. (EVIDENCE 4., e.g.)  
27 The Court still not relief any responses of petitioner's requested.

1 (See, EVIDENCE 4., e.g.)

2  
3 On April 10, 2008, Petitioner filed an "motion  
4 for summary judgment of amended complaint." Petitioner remove  
5 the Northern District Court for summary judgment base upon  
6 "genuine issues and material facts within the 42 U.S.C. § 1983  
7 civil complaint. (Citing, Fed.R.Civ.Pro. Rule 56, et seq;  
8 also see, APPENDIX D., e.g.)

9  
10 On May 19, 2008, Defendant(s) of aforementioned  
11 case no.: C-07-2704-JSW (PR) filed "notice of appearance"  
12 to the Court. Defendant(s) "notice" the Court whom represent  
13 the Defendants in aforementioned case no.: C-07-2704-JSW (PR)'s  
14 complaint. (APPENDIX E., cf.)

15  
16 On June 09, 2008, the Court render an "order  
17 of dismissal; denying pending motions and judgment." (Referred  
18 to the court's record docket nos. 8 and 10's order.) The  
19 Court have ruled that: "....Plaintiff has filed an amended  
20 complaint in which he challenges the constitutionality of  
21 an order by the ICE to detain Plaintiff following his release  
22 from state prison, pending deportation proceedings. 'Federal  
23 law opens two main avenues to relief on complaints related  
24 to imprisonment: a petition for habeas corpus, 28 U.S.C. §  
25 2254, and a complaint under the Civil Right Act of 1871, Rev.  
26 Stat. § 1979, as amended, 42 U.S.C. § 1983. Challenges to  
27 the lawfulness of confinement or to particulars affecting  
28 its duration are the province of habeas corpus.' Hill v.

1 **McDonough**, 126 S.Ct. 2096, 2101 (2006). As Plaintiff challenges  
 2 the fact and duration of his custody pursuant to a detainer  
 3 by the I.C.E., it must be brought in a habeas action pursuant  
 4 to 28 U.S.C. § 2241, not in a civil right complaint under  
 5 42 U.S.C. § 1983." (Compare, APPENDIX E., e.g.; opinion in  
 6 part.) Therefore, the Court dismissed the aforementioned  
 7 case no.: C-07-2704-JSW (PR) "without prejudice to refiling  
 8 as a habeas petition."

9  
 10 That bring Petitioner to this current petition  
 11 for writ of habeas corpus pursuant to 28 U.S.C. § 2241  
 12 complaint. Petitioner has tried numerous avenue from 28 U.S.C.  
 13 §§ 1651, 1291-1292, and 42 U.S.C. § 1983 [remedies]  
 14 proceedings to challenges the validity of the Sixth Amendment's  
 15 principles or interpretations. However, judiciary regime  
 16 mockery petitioner with "stone-wall" every [remedies]  
 17 proceedings of Respondent's alleged allegation. When  
 18 Respondent imposed the "hold, warrant, indictment, or detainers"  
 19 upon petitioner have trigger validity of the Sixth Amendment  
 20 interpretation to "confront his accuser." Therefore, this  
 21 petition are the last avenue to scrutinize the validity of  
 22 [this] Respondent's Sixth Amendment principles or  
 23 interpretation apply to non-citizen[ship].  
 24  
 25

26 /////  
 27 ////  
 28 ///

STATEMENT OF FACTS

Petitioner was born in Siagon City of the South Vietnam Country during the occupation of 1979 by the Vietcong communist party --- and after the "Fall of Siagon" in 1975. Petitioner and his family (mother and an older brother) members flee Vietnam in 1985, and arrived to the United States [America] Country under refugee status on November of 1986.

On December 11, 1998, Petitioner were indicted, information[s], and convicted by the Superior Court of the Santa Clara County and for the State of California by entered a plead of "nolo contest" to **Cal.Pen.Code** §§§ 211, 212, 213, 245, and 12022(a) statutory [provisions] violations. The Superior Court of the Santa Clara County then imposed twelve (12) years sentence to the California Department of Corrections (CDC) institution ---- and with an calculation release date of March 27, 2008.<sup>2/</sup> However, duration of petitioner confinement that he been received [administrative] disciplinary infraction, that his release date extension to [currently stand] November 30, 2008.

On February 01, 1999, Respondent's agency issued an "hold, warrant, or detainer" document alleged Petitioner for "unspecific [statutory] violation(s)" that supporting by the

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<sup>2/</sup> Citing, Cal.Pen.Code § 667, § 1192, and §§ 2900-2933, et seq, statutory interpretation that supporting trial court for determination sentencing guideline (1998 ed. verision).

1 Title 8, of the United States Code [supplemental] statutory  
2 languages. Respondent's hold, warrant, or detainer document  
3 have stated: "Immigration has been initialized to determine  
4 whether this person is subject to removal from the United States."  
5 (Compare, EXHIBIT A., e.g.)

6  
7 On April 17, 2002, Petitioner lodged an alleged  
8 "motion for Interstate Agreement on Detainer Act pursuant to  
9 Cal.Pen.Code § 1389" against Respondent's hold, warrant, or  
10 detainer document to the United States District Court for the  
11 Northern District of California, which the Court docket the  
12 action under habeas corpus remedies for aforementioned case  
13 no.: C-02-01980-JF (PR). The Northern District Court then ordered  
14 transferred the aforementioned case no.: C-02-01980-JF (PR)'s  
15 action to the Eastern District Court's jurisdiction. (See, EXHIBIT  
16 B., cf.) However, the aforementioned case no.: C-02-01980-JF  
17 (PR)'s allegation[] did not survive judiciary tribunal for  
18 litigation and been "sweep under the rug." (Compare, EXHIBIT  
19 C. through M., et seq.)

20  
21 Petitioner then filed an pro se 42 U.S.C. § 1983  
22 [civil right] complaint alleged Respondent had violated his  
23 Sixth Amendment right to "confront his accuser" of the hold,  
24 warrant, or detainer document (see, EXHIBIT A., e.g.). The  
25 Court then docket petitioner's 42 U.S.C. § 1983 complaint for  
26 aforementioned case no.: C-07-2704-JSW (PR). (See, APPENDIX  
27 A., e.g.) However, the Court dismissed with leave to filed  
28 first amended complaint. the Court had claimed that: "Plaintiff



1 has failed to set forth sufficiently clear facts for the Court  
2 to discern the nature of his complaint. The complaint fails  
3 to state a claim for relief." (Also see, APPENDIX B., e.g.)  
4 Petitioner then filed the amended complaint alleged that Respondent  
5 accused [--by the hold, warrant, or detainer document--] him  
6 of violated, citing, 8 U.S.C. §§ 1101, 1227-1228, et seq, statutory  
7 language that leverage Respondent for seeking "deportation  
8 proceedings." However, the 42 U.S.C. § 1983 complaint allow  
9 Petitioner to confront Respondent's untried accusation hold,  
10 warrant, or detainer document that were issued on February of  
11 1999.

12  
13           Petitioner then submitted motion(s) and letter(s)  
14 requesting the Court to entertain aforementioned case no.: C-  
15 07-2704-JSW (PR)'s action status and prosecution. (Cf., APPENDIX  
16 D.; and EVIDENCES 3 through 4, et seq.) In return the Court  
17 render an "order of dismissal; denying pending motions and  
18 judgment" on June 09, 2008. (Referred to the court's record  
19 of docket nos. 8 and 10's orders; compare, APPENDIX E., e.g.)  
20 The Court have ordered that: "After reviewing the complaint,  
21 the Court found that it appeared to be complain about an  
22 immigration detainer hold placed on him by the Immigration  
23 Customs Enforcement ('ICE')... Plaintiff has filed an amended  
24 complaint in which he challenges the constitutionality of an  
25 order by the ICE to detain Plaintiff following his release from  
26 state prison, pending deportation proceedings... As Plaintiff  
27 challenges the fact and duration of his custody pursuant to  
28 a detainer by the ICE., it must be brought in a habeas action

1 pursuant to 28 U.S.C. § 2241, not in a civil rights complaint  
2 under 42 U.S.C. § 1983. Accordingly, the instant matter is  
3 hereby dismissed without prejudice to refile as a habeas  
4 petition." (See, APPENDIX E., et seq.) The Court also denied  
5 other motion(s) that Petitioner have submitted prior to the  
6 judgment were imposed.

7  
8 With that conclude Petitioner to submit this  
9 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241  
10 statutory complaint within the United States District Court  
11 of the State of California. Petitioner have tried in numerous  
12 [remedies] proceedings to challenged Respondent's hold, warrant,  
13 or detainer document issued on February of 1999. (Cf., EXHIBIT  
14 A., e.g.) Respondent does not have statutory provision that  
15 govern immunity from petitioner from challenged the "hold, warrant,  
16 or detainer" document duration of imprisonment or confinement  
17 with State custody jurisdiction. Whether the Sixth Amendment  
18 leverage Petitioner to "confront his accuser" of Respondent's  
19 hold, warrant, or detainer document. Therefore, the petition  
20 for writ of habeas corpus under 28 U.S.C. § 2241 statutory  
21 complaint have integrity for relief the validity of the Sixth  
22 Amendment principle[] or interpretation[] claims.

23  
24  
25  
26 /////  
27 /////  
28 //



JURISDICTION

1.) The complaint or petition's issue[] dealt with immigration statutory laws (see **Barapind v. Reno**, (E.D. Cal. 1999) 72 F.Supp.2d 1131);

2.) Treaties [tied] and foreign territory [Vietnam] statutory provision that only cognizable by the United States District Court to United States Supreme Court highest judiciary court(s) of the United States America;

3.) 28 U.S.C. § 1331, et seq, statutory;

4.) 28 U.S.C. § 2241, et seq, statutory;

5.) Constitutional question of the Sixth Amendment's integrity or interpretation; and

6.) The issue(s) raising anewly prospective question[] that controversy integrity of the United States of America's policy, statutory, and regulation [of constitutional] of immigration law[s]. (Also see, **INS v. St. Cyr.**, (2001) 121 S.Ct. 2271, 2282-2283; compare, U.S.C.A. Const. Amend. 6, et seq.)

Therefore, jurisdiction have been establish under 8 U.S.C. § 1101 statutory provision that bar any State [judiciary] court(s) from entertain such petition or complaint.

A R G U M E N T [S]

WHETHER THE SIXTH AMENDMENT  
LIBERTY GUARANTEE ITS  
INTERPRETATION OF PROTECTION  
TO FOREIGN ENTITY THE BEAUTY  
TO UTILIZE RESPONDENT'S  
CONSTITUTIONAL PRINCIPLES.

Petitioner was born in Siagon City of South Vietnam Country during the occupation of 1979 by the Vietnamese communist party [vietcong] --- and after the "Fall of Siagon" of 1975. Petitioner and his family members flee Vietnam in 1985, and arrived to the United States of America under refugee<sup>3/</sup> status on November of 1986.

On December 11, 1998, Petitioner were indicted or information by the Superior Court of the Santa Clara County and for the State of California, and he was convicted by entered a plead of "nolo contest" to **Cal.Pen.Code** §§§ 211 (robbery), 212 (second degree robbery), 213 (home invasion), 245 (assault with deadly weapon), and 12022(a) (possession of firearm) statutory [provisions] violations. The trial court then

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<sup>3/</sup> The term "refugee" means: "(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail

1 sentenced petitioner to twelve (12) years of imprisonment to  
2 the California Department of Corrections [institution] -- and  
3 with proper calculation release date of March 27, 2008. However,  
4 duration serving his sentence of confinement that petitioner  
5 received several [administrative] disciplinary infraction, which  
6 extension his release to [currently status] November 30, 2008.

7  
8 On February 01, 1999, Respondent's agency issued  
9 or lodged an "hold, warrant, or detainer" document alleged  
10 Petitioner for "unspecific [statutory] violation(s)" that did  
11 not support by the Title 8, of the United States Code, Immigration  
12 and Nationality Act ("INA"), and Illegal Immigration Reform  
13 and Immigration Responsibility Act ("IIRIA") statutory languages.  
14 Respondent's hold, warrant, or detainer document have stated:  
15 "Immigration has been initialized to determine whether this  
16 person is subject to removal from the United States." (Compare,  
17 EXHIBIT A., e.g., at pp. 6-7, et seq.)

18  
19 On April 17, 2002, Petitioner then lodged an  
20 alleged "motion for Interstate Agreement on Detainer Act pursuant  
21 to Cal.Pen.Code § 1389" challenged Respondent's hold, warrant,  
22 or detainer document to the United States District Court for  
23 the Northern District of California, which the Court docket  
24 the action under writ of habeas corpus remedies for aforementioned

25  
26 himself or herself of the protection of, that country because  
27 persecution or well-founded fear of persecution on account of  
28 race, religion, nationality, membership in a particular social  
group, or political opinion..." (Opinion in part, 8 U.S.C. §  
1101(a)(42); also see, Refugee Act of 1980, 94 Stat. 102.)

1 case no.: C-02-01980-JF (PR). The Northern District Court then  
2 transferred the action to the Eastern District Court's  
3 jurisdiction. (See, EXHIBIT B., cf.) However, the aforementioned  
4 case no.: C-02-01980-JF (PR)'s action did not sustain judiciary  
5 regime of litigation and been "sweep under the rug." (Compare,  
6 EXHIBITS C. through M., et seq, e.g.)

7  
8           Petitioner then filed an pro se 42 U.S.C. § 1983  
9 complaint alleged Respondent [had] violated his Sixth Amendment  
10 right to "confront" the hold, warrant, or detainer document.  
11 The 42 U.S.C. § 1983 were filed to the United States District  
12 Court for the Northern District of California, and for  
13 aforementioned case no.: C-07-2704-JSW (PR). (See, APPENDIX  
14 A., e.g.) The United States District Judge, Jeffrey S. White  
15 imposed an "order of dismissal; deny pending motions" which  
16 stated: "...As Plaintiff challenges the fact and duration of  
17 his custody pursuant to a detainer by the I.C.E., it must be  
18 brought in habeas action pursuant to 28 U.S.C. § 2241, not in  
19 a civil right complaint under 42 U.S.C. § 1983." (Compare,  
20 APPENDIX E., at pp.3 through 4, et seq.)

21  
22           Pursuant to Title 8, of the United States Code  
23 [of Annotated or Supplemental], sections of statutory provision  
24 could not bar Petitioner from challenged Respondent's hold,  
25 warrant, or detainer documents which were label during his  
26 imprisonment under the CDC's custody of care. (See, EXHIBIT  
27 A., e.g.) Respondent also failed states statutory laws for  
28 supporting the validity of the hold, warrant, or detainer

1 document. Within Respondent's hold, warrant, or detainer document  
2 claim that: "Investigation has been initialized to determine  
3 whether this person is subject to removal from the United States."  
4 (Quote/Citing, 8 U.S.C. § 1228, et seq, "is the statutory laws  
5 that Respondent should stated.") However, Respondent's document  
6 surface did not or even never cite and statement any statutory  
7 provision to support the hold, warrant, or detainer document.

8  
9 The validity of this argument is determine whether  
10 a foreign entity have the liberty to utilize, perform, or even  
11 practice the real party in interest's constitutionality principles.  
12 Whether a person other than the United States of Americans  
13 citizen[ship] have the liberty of Constitutionality protection,  
14 that guarantee individual[s] the freedom to interpretation[?].  
15 With those question(s) in mind, that Petitioner would  
16 demonstrate or showing before judiciary [regime] there was an  
17 "grey line" within the constitutionality doctrine of performance.  
18 Whether the Sixth Amendment (citing, U.S.C.A. Const. Amend.  
19 6, et seq) allow individual the liberty to confront their  
20 accuser in any jurisdiction of confinement[?]. Finally, does  
21 the Sixth Amendment right bias (quote, U.S.C.A. Const. Amend.  
22 14, et seq), or segregation foreign entity from citizen of the  
23 United States of Americans[?].

24  
25 Under the modern day Sixth Amendment right have  
26 defined that:

27  
28 "In all [criminal] prosecution,

1 the accused shall enjoy the right  
2 to a speedy and public trial, by  
3 an impartial jury of the State  
4 and district wherein the crime  
5 shall have been committed, which  
6 district shall have been previously  
7 ascertained by law, and to be  
8 informed of the nature and cause  
9 of the accusational to be confronted  
10 with the witnesses against him; to  
11 have compulsory process for obtaining  
12 witnesses in his favor, and to have  
13 the Assistance of Counsel for his  
14 defense." (Emphasis added in part.)

15 Therefore, speak clearly the language of interpretation that  
16 "accusation to be confronted" of their warrant, hold, detainer,  
17 indictment, or even information.

18 First factor, Respondent lodged or issued  
19 Petitioner an "hold, warrant, or detainer" document accuse him  
20 violated any government statutory laws of the United States  
21 of America. (See, Title 8, of the United States Code, et seq;  
22 INA; and IIRIA statutory provision.) Respondent also claim  
23 that: "investigation has been initialized to determine whether  
24 this person is subject to removal from the United States."  
25 (Compare, U.S.C.A. Const. Amend. 6, et seq, "a right to confront  
26 [individual] accuser.")

27 Second factors, Respondent's hold, warrant, or  
28 detainer document claim that: "investigation has been initialized  
29 ...". When Petitioner filed aforementioned case no.: C-02-01980-  
30 JF (PR)'s action challenged Respondent's validity hold, warrant,  
31 or detainer document, however, judicial court(s) and Respondent  
32 "sweep the case under the rug" without proven it's litigation.



1 How long does Respondent take to finish investigation the warrant,  
 2 hold, or detainer document's allegation[]? --- before been  
 3 brought to confront the accuse allegation of violation[?].

4  
 5 Third factors, Respondent's hold, warrant, or  
 6 detainer document did not support sufficient statutory provision  
 7 to indict or information of violation[]. Respondent could  
 8 accuse<sup>4/</sup> Petitioner violated any statutory laws of immigrations  
 9 status, and when the time for confrontation.

10  
 11 Fourth factors, Respondent does not have any  
 12 statutory laws (citing, Title 8, of the United States Code,  
 13 et seq) could barricade Petitioner from challenge the "hold,  
 14 warrant, or detainer" document. And, there not any statutory  
 15 provision could govern the Sixth Amendment liberty interest.

16  
 17 Final factor, Respondent could not barricade  
 18 Petitioner from confront the accuse hold, warrant, or detainer  
 19 document from the judicial court(s) for entertainment. (Also  
 20 see, Giarrantano v. Murray, 668 F.Supp. at p. 514.)<sup>5/</sup>

21  


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 22 <sup>4/</sup> Accuse: "To bring a formal charge against a person,  
 23 to the effect that is guilty of a crime or punishable offense,  
 24 before a court or magistrate having jurisdiction to inquire  
 25 into the alleged crime." (see, State v. Almeida, 54 Haw. 443,  
 26 509 P.2d 549, 551; also compare, Black's Law Dictionary 6th  
 27 ed.; in part.)

28 <sup>5/</sup> held that:

"Prisoner[s] have a due process  
 right to '[m]eaningful access'  
 to the courts which includes  
 the requirement that States

Petitioner have tried through numerous remedies include 42 U.S.C. § 1983 status of complaint to challenged Respondent's hold, warrant, or detainer document without success.

With those factors that Petitioner demonstrate have provide reasonable [or probable] facts that Respondent deprived or violated the fundamental constitutional right of the Sixth Amendment [doctrine]. Respondent does not have any statutory provision that barricade Petitioner from challenged the hold, warrant, or detainer document were lodged upon him duration of his confinement under the CDC's custody. (Compare, EXHIBIT A., e.g.)

The main subject is whether Petitioner have the Sixth Amendment right to "confront his accuser[?]." That question have never been answer through judicial system. Petitioner have tried numerous [remedies] of times to exercise his Sixth Amendment right, however, been reject, ignore, or even mockery without justice body of this land's language govern "freedom." Respondent does not have statutory that bar petitioner to wait after his State [conviction] of confinement been completed before entertain the "hold, warrant, or detainer" document. Therefore, the Sixth Amendment allow, guarantee,

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which do not make legal services attorney available to indigent prisoner[s] adequate... (emphasis added in part). " (Also compare, Federal Habeas Corpus Act of 1867, "federal courts have has authority and responsibility to 'hear and determine the facts, and dispose of the matter as law and justice.'")



1 or [leverage] liberty to confront Respondent's accused hold,  
2 warrant, or detainer document. De novo review the exhibits,  
3 evidences, or appendixs within this petition have showing validity  
4 Petitioner have tried numerous [remedies] of times to relief  
5 the Sixth Amendment [statutory] interpretation. (Citing, **Sawyer**  
6 **v. Whitley**, 505 U.S. 333 [120 L.Ed.2d 269, 112 S.Ct. 2514 (1992)],  
7 ("clear and convincing evidence"); also compare, **In re Windship**,  
8 397 U.S. 358 [90 S.Ct. 1068, 25 L.Ed.2d 368 (1970)], ("In a  
9 judicial proceeding, all fact finder acquire is belief of what  
10 probably happened."); see, **O'Brien v. National Gypsum, Co.**,  
11 944 F.2d 69, 72 (2nd Cir. 1991), ("[I]t is beyond any doubt  
12 that circumstantial evidence alone may sufficient.").)

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PRAYING FOR RELIEF

For above reason [or probable] of cause that have justify praying for relief that above entitle court to grant this petition. Petitioner have demonstrate or showing sufficient facts and laws that Respondent's hold, warrant, or detainer document did not support by statutory provision that could barricade him to utilized or perform the doctrine of Sixth Amendment principles. (Quote, U.S.C.A. Const. Amend. 6, et seq, "accusation to be confronted.") Petitioner praying for relief of the above entitle court for the following[s]:

1.) Demand Respondent within meaningful time frame of 90 days to be brought before judicial court(s) of Respondent's jurisdiction to be tried or confront the hold, warrant, or detainer document,

2.) Dismiss Respondent's hold, warrant, or detainer document were issued or lodged on February 01, 1999, and allow petitioner to be free from Respondent future prosecution,

3.) Injunction Respondent to establish statutory provisions that allow detainee[] or inmate[] to utilize their Sixth Amendment right to confront Respondent's accuse hold, warrant, or detainer document in every jurisdiction of avenue,

4.) Injunction Respondent to establish rules, regulations, or policies that allow detainee[] or inmate[] the judicial gateway to the court(s) system to confront Respondent's

1 untried hold, warrant, or detainer document, and

2 5.) Injunction Respondent to establish  
3 grievance remedies to allow State detainee[] or inmate[] the  
4 enjoyment of Sixth Amendment's structure of Respondent's  
5 accusation.

6  
7 Upon above entitle court's ruling or ordering  
8 would establish landmark whether the validity of Sixth Amendment  
9 apply to detainee[] or inmate[] suffer from Respondent's hold,  
10 warrant, or detainer document of indictment. Whether validity  
11 of the Sixth Amendment's interpretation allow, leverage, or  
12 guarantee Petitioner the liberty to "confronted" Respondent's  
13 accusation of hold, warrant, or detainer document. Allow  
14 Petitioner's petition as a base for retroactive for others  
15 that will follow.

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CONCLUSION

For above reasons [or probable] of causes that above entitle court for relief this petition by granting it's claims, merits, or allegations. The validity of the Sixth Amendment allow or leverage this petition to be heard before judicial panel to determined the faith of constitutionality principles.

DATED: July 06, 2008

/S/

Respectfully Submitted

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///  
///  
/



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